

February 27, 2018

Mr. David Taylor, P.E.
David G. Taylor & Associates, LLC
163 Spruce Woods Court
Abingdon, Maryland 21009

Re: Extra Space Storage at 9701 Beaver Dam Road
Forest Buffer Variance
Tracking # 03-18-2657

Dear Mr. Taylor:

A request for a variance from the Baltimore County Code, Article 33, Title 3, a Law for the Protection of Water Quality, Streams, Wetlands and Floodplains, was received by this Department of Environmental Protection and Sustainability (EPS) on February 15, 2018. If granted, the variance would allow approximately 1,930 square feet (sf) of encroachment into the 25-foot building setback to an existing Forest Buffer Easement (FBE) in order to redevelop a 2.4-acre, ML-IM zoned restaurant pad site as a storage rental facility.

The majority of the existing development pad site is bound by a retaining wall along and just beyond the FBE limit. This buffer protects the mainstem of Goodwin Run (Use III-P) that flows behind the pad site. The 1,930 sf of encroachment would result in an 8-15 foot setback to the FBE. No direct impacts to the FBE are proposed by the redevelopment plan. The applicant proposes to install a fence along the retaining wall in order to deter trash and debris from ending up in this buffer and to facilitate removal of that trash by maintenance personnel.

This Department has reviewed your request and has determined that a practical difficulty exists in honoring the full 25-foot setback given the structure layout necessary to both meet fire safety requirements and provide a reasonably sized storage rental facility. Moreover, an existing underground SWM facility that will be used for the redevelopment further limits the useable area of the pad site. These constraints, along with the extent and orientation of the FBE, prevent significant redesign of the 2.4-acre commercial site that would honor the full 25-foot setback to the FBE.

We further find that the potential for impacts to water quality as a result of this proposal can be minimized by performing onsite mitigative measures such as those proposed by the applicant since the redevelopment would occur entirely outside of the FBE.

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Therefore, we will grant this request in accordance with Section 33-3-106(a)(1) of the Baltimore County Code, with the following conditions:

1. A permanent fence to trap trash and further deter disturbance of the FBE shall be installed at the top of the entire retaining wall that delineates this easement. This fence, which may be designed by the owner, shall be detailed on the grading or permit plan for this redevelopment project and approved by EPS staff. The fence installed prior to building permit issuance or May 27, 2018, whichever comes first.
2. The entire length of the FBE on the property shall be posted at 100-foot intervals or any turning point with "Forest Buffer – Do Not Disturb" signs. These signs, which are available from private sign contractors (see enclosure), shall be installed prior to building permit issuance or May 27, 2018, whichever comes first.
3. Recordation of the Declaration of Protective Covenants for the Forest Buffer Easement recorded on plat #69/021 must be provided in accordance with Section 33-3-110 of the Baltimore County Code prior to EPS approval of any permit for this redevelopment.
4. The following notes must appear on all subsequent plans submitted for this project:
 - "A variance was granted on February 27, 2018, by the Baltimore County Department of Environmental Protection and Sustainability from the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains. The setback to the Forest Buffer Easement shown hereon is reflective of the fact that this variance was granted. Conditions were placed on this variance to reduce water quality impacts including installation of a permanent fence and posting protective signage along the Forest Buffer Easement."
 - "There shall be no clearing, grading, construction or disturbance of vegetation in the Forest Buffer Easement except as permitted by the Baltimore County Department of Environmental Protection and Sustainability."

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout will require submittal of revised plans and a new variance request.

Please have the owner/developer sign the statement below as the party responsible for meeting the conditions of this variance and return a signed copy of this letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

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If you have any questions regarding this correspondence, please contact Mr. Glenn Shaffer at (410) 887-3980.

Sincerely yours,

David V. Lykens
Deputy Director

DVL/ges

Enclosure

c. Mr. Scott Cooper, Premier A-2 Timonium MD, LLC

I/we agree to the above conditions to bring my/our property into compliance with Law for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Company's Representative's Signature Date

Printed Name